

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/992,281	11/16/2001	Karl Schroedinger	M&N-IT255	7051	
7	590 10/31/2002				
LERNER AND GREENBERG, P.A.  Post Office Box 2480  Hollywood, FL 33022-2480			EXAMINER		
			NGUYEN, LINH M		
			ART UNIT	PAPER NUMBER	
			2816		
			DATE MAILED: 10/31/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			A   15 - 45 81 -	nulicant(a)				
Office Action Summary    Examiner			Application No.	Applicant(s)				
Linh M. Nguyen  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address -  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estamations of this may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filed after SIX (8) MONTHS from the mailing date of this communication.  If the period for reply specified above, he maximum statutory period will apply and will expire SIX (5) MONTHS from the mailing date of this communication.  If the period for reply specified above, he maximum statutory period will apply and will expire SIX (5) MONTHS from the mailing date of this communication.  If the period for reply singulated above is less than three monities after the mailing date of this communication, even if timely (filed, may reduce any seamed patient term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on 16 November 2001  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-17 Is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-17 are subjected to .  8) Claim(s) 1-17 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 1 is/are: a) accepted or b) objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The cath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Acknowledgment is made of a claim for foreign prior			09/992,281	SCHROEDINGER	SCHROEDINGER, KARL			
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2 1 Conjugation of the partition against of the priority decuments have been received in this National Stage								
<ul> <li>Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>		application from the International B	Bureau (PCT Rule 17.5	2(a)).	Stage			
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).	14)∏ A	cknowledgment is made of a claim for domes	stic priority under 35 U	J.S.C. § 119(e) (to a provisional	application).			
a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			• •		· ·			
Attachment(s)	Attachment	c(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	2) Notice	e of Draftsperson's Patent Drawing Review (PTO-948)	5) 🔲 No	otice of Informal Patent Application (PT				

Application/Control Number: 09/992,281

Art Unit: 2816

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Embodiment I: Figure 3, including claims 1-10, drawn to an apparatus and a corresponding method for producing or generating an output clock signal;

Embodiment II: Figure 4, including claims 11-17, drawn to the structure of a control loop and a corresponding method of producing a clock signal;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 2. A telephone call was made to Mr. Werner H. Stemer on October 30, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

## Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh M. Nguyen whose telephone number is (703) 305-0414. The examiner can normally be reached on Alternate Mon, Tuesday - Friday from 7:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on (703) 308-4876. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0142 for regular communications and (703) 305-0142 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Linh M. Nguyen Examiner Art Unit 2816

LMN October 30, 2002

Line M Yuya